



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

March 26, 2020

**GENERAL NOTICE LETTER
VIA E-MAIL**

Brittany A. Barrientos
Stinson LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
Brittany.barrientos@stinson.com

✓ Tim Rogers, Director of Environmental Services
Black Hills Corporation
P.O. Box 1400
Rapid City, South Dakota 57709
Tim.Rogers@blackhillscorp.com

Re: General Notice Letter for the Citizens Gas & Electric Company Superfund Site in Council Bluffs, Iowa (IAD984589093)

Dear Ms. Barrientos and Mr. Rogers:

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601- 9675, the U.S. Environmental Protection Agency is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment. The EPA has documented that such a release has occurred at the Citizens Gas & Electric Company Superfund Site (Site) in Council Bluffs, Iowa. Based on information currently available to the EPA, the EPA has determined that Black Hills Corporation (Black Hills) may be responsible under CERCLA for responding to Site conditions.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in responding to site conditions. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at a site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on available information, the EPA believes that Black Hills may be liable under Section 107(a) of CERCLA with respect to the Site, as a current owner and/or operator of the Site.



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**Administrative Settlement Agreement and Order on Consent
for Engineering Evaluation/Cost Analysis**

Enclosed is a draft Administrative Settlement Agreement and Order on Consent (ASAOC) for the performance of an Engineering Evaluation/Cost Analysis (EE/CA) for the Site. Black Hills is invited to engage in negotiations with the EPA and other PRPs to reach a settlement to conduct or finance the EE/CA at the Site. To assist you in your efforts to communicate, enclosed is a list of names and addresses of PRPs to whom this letter is being sent.

The EPA is seeking to complete negotiation of the ASAOC within 60 days following your receipt of this letter. You are encouraged to contact the EPA within 14 days of your receipt of this letter to indicate Black Hills' willingness to participate in negotiations concerning this Site. While the EPA is interested in progressing its mission work, we recognize that municipalities, state agencies, and businesses may be facing hardships during the COVID-19 pandemic. We believe that negotiations can proceed through remote communications, but we are open to discussing flexibilities with regard to schedules.

EPA Contacts

If you have any questions pertaining to this matter, please contact Cathie Chiccine of EPA Region 7's Office of Regional Counsel at (913) 551-7917 or chiccine.catherine@epa.gov. Technical questions may be directed to Yvonne Smith, On-Scene Coordinator, at (913) 551-7795 or smith.yvonne@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,

MARY PETERSON

Digitally signed by MARY
PETERSON
Date: 2020.03.26 15:08:45 -05'00'

Mary P. Peterson
Director
Superfund and Emergency Management Division

Enclosures

cc: Amie Davidson, IDNR

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PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047